

NEW DEFENDANTS' EXHIBIT B
Declaration of Eric Elice

SAMUEL S. LIONEL [Nevada Bar #1766]
TODD KENNEDY [Nevada Bar #6014]
LIONEL, SAWYER & COLLINS
300 So. 4th Street #1700
Las Vegas, Nevada 89101
Telephone: (702) 383-8884

DAVID S. KORZENIK (*Admitted Pro Hac Vice*)
MILLER KORZENIK SOMMERS LLP
488 Madison Avenue
Suite 1120
New York, New York 10022-5702
Telephone: (212) 752-9200

DANIEL M. MAYEDA (*Admitted Pro Hac Vice*)
LEOPOLD, PETRICH & SMITH, P.C.
2049 Century Park East, Suite 3110
Los Angeles, California 90067-3274
Tel: (310) 277-3333 • Fax: (310) 277-7444
Email: dmayeda@lpsla.com

Attorneys for Defendants
FRANKIE VALLI, ROBERT J. GAUDIO, MARSHALL
BRICKMAN, ERIC S. ELICE, DES McANUFF, DSHT, INC.,
DODGER THEATRICALS, LTD. and JB VIVA VEGAS, L.P.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONNA CORBELLO, an individual

Plaintiff,

v.

THOMAS GAETANO DEVITO, an
individual, et al.

Defendants.

CASE NO.: 2:08-cv-00867-RCJ-PAL

**DECLARATION OF
NEW DEFENDANT
ERIC ELICE
IN SUPPORT OF MOTION FOR
PROTECTIVE ORDER**

ERIC ELICE declares pursuant to 28 USC §1746 as follows:

1. I am one of the New Defendants in this action. I wrote *Jersey Boys* (the "Play") with Marshall Brickman. I am fully familiar with the facts and circumstances herein and make this declaration, pursuant to 28 U.S.C. 1746, based on personal knowledge in support of the New Defendants' Motion for a Protective Order regarding certain discovery sought by Plaintiff.
2. *All Drafts and Final Performance Scripts in My Possession Have Been Produced:*
Throughout the process of writing the Play, Marshall and I created numerous drafts of the script for the Play ("Drafts"). We gave over 200 Drafts or components of Drafts in our possession (all that we had on our computers) to our counsel and I understand that counsel has produced copies of all of them to the Plaintiff. They also produced the final production scripts of *Jersey Boys*.
3. *Process of Writing Was Carried Out in Person; Not by Email:* Most of my work writing the Play was done in person with Marshall Brickman. We live within blocks of one another and we regularly worked together, talking about the content of scenes, character development, plot points, themes, etc., then eventually writing and editing them together. Proximity to each other is integral to our collaboration. Substantive conversations were done principally in work sessions together; and when not in person, over the telephone. It was not our practice to use email to do substantive work on the play. Instead, email, when used at all, was used as an "envelope" to exchange a draft or part thereof, or other attachments such as a note or memo. Those drafts or attachments would ordinarily have been saved to my *Jersey Boys* files on the computer so that I could work on them, and any such drafts and attachments that I had in August 2008 have been provided to our counsel. Any substantive changes that

Marshall and I made to the drafts will be manifestly evident from a review of the Drafts produced. The only versions of *Jersey Boys* for which tickets are sold and audiences see are the Final Production Scripts, and I understand that those have been produced to Plaintiff by our counsel.

I declare under penalty of perjury under the laws of the United States of America and the States of New York and Nevada that the foregoing is true and correct.

Executed in New York, NY on March 17¹⁰ 2009.

A handwritten signature in cursive script, appearing to read "Eric Elice", written over a horizontal line.

Eric Elice